

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**NORTHERN DIVISION**

**U.S.A. vs. Joseph D. Marquette**

**Docket No. 2:11-MJ-1061-1BO**

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Djoni B. Barrett, probation officer of the court, presenting an official report upon the conduct of defendant, Joseph D. Marquette, who was placed under pretrial release supervision by the Honorable James E. Gates, U.S. Magistrate Judge, on the 12th day of May, 2011, under the following conditions:

- The defendant is placed in the custody of Mario Harris.
- Report to the probation office or supervising officer as directed.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- Banned from National Park Service property until case is heard.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant's pretrial supervision was immediately assumed by the Eastern District of Virginia. On June 29, 2011, the defendant submitted a urine sample that tested positive for marijuana. When confronted, the defendant admitted to using marijuana approximately one week prior to the urinalysis. On July 12, 2011, the probation officer received a request from USPO Brian J. Williams, Eastern District of Virginia, requesting the defendant's probation be modified to include participation in substance abuse treatment.

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We are recommending that the defendant be directed to participate in substance abuse treatment as a condition of his pretrial release. The defendant agreed with the proposed modification and signed a waiver.

**PRAYING THAT THE COURT WILL ORDER** the defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling, if deemed advisable by the supervising pretrial services officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield

/s/Djoni B. Barrett

Dwayne K. Benfield  
Senior U.S. Probation Officer

Djoni B. Barrett  
U.S. Probation Officer  
472-C Western Blvd.  
Jacksonville, NC 28546-6862  
Phone: (910) 347-9038  
Executed On: July 12, 2011

**ORDER OF COURT**

Considered and ordered this 13th day of July, 2011, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
United States Magistrate Judge